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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,575	10/09/2001	Tony M. Brewer	059182/P016US/10107827	2708
29053	7590	10/04/2004	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				PAYNE, DAVID C
		ART UNIT		PAPER NUMBER
		2633		

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/974,575	BREWER ET AL.
	Examiner	Art Unit
	David C. Payne	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,10-19,23,27 and 28 is/are rejected.
 7) Claim(s) 3-9,20-22 and 24-26 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/20/2001.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claims 1, 2, 10-19, 23, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagisawa US 6,191,879 B1 (Yanagisawa).

Re claims 1, 10, 11, 17, 18 and 28 Lee et al. disclosed

A communication system configured for processing a burst-mode input signal having a preamble portion and a payload portion, said system incorporating: a burst-mode receiver comprising: a photodetector circuit operable to convert a burst-mode input signal into a first voltage signal, said input signal having a preamble portion and a payload portion; a limiting amplifier circuit interconnected with said photodetector circuit and having a control port, said limiting amplifier circuit operable to convert said first voltage signal into a second voltage signal in response to a decision threshold voltage level at said control port; an averaging filter circuit interconnected with said photodetector circuit, said averaging filter circuit operable to convert said first voltage signal into an average value of said first voltage signal; and a control circuit interconnected with said averaging filter circuit, said control circuit operable to couple said average value of said first voltage converted during said preamble portion of said input signal to said decision threshold voltage level at said control port during substantially all of said payload portion of said input signal. (e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claim 2 Lee et al. disclosed

wherein said control circuit comprises a track and hold circuit operable in response to a switchable track enable signal to track said average threshold value of said burst-mode data transmission signal during said preamble portion of said burst-mode data transmission signal and otherwise to hold said average threshold value of said average value of said burst-mode data transmission signal acquired during said preamble portion of said input signal and to couple said held average threshold value to said decision threshold voltage level during substantially all of said payload portion. (e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claims 12 and 23 Lee et al. disclosed

operable to receive a data signal having a data transmission rate of approximately 12.5 gigabit per second.
(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claim 13 Lee et al. disclosed

wherein said coupling of said average threshold value occurs in response to a repetitive signal switched synchronously with said burst frequency of said burst-mode input signal.
(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claims 14 and 16 Lee et al. disclosed

wherein said synchronously switched repetitive signal is generated in a phase-locked loop circuit in response to a repetitive synchronization input pulse.

(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claim 15 Lee et al. disclosed

wherein said phase-locked loop circuit comprises circuitry selected from the group consisting of all-digital circuitry, analog circuitry, and hybrid digital and analog circuitry.
(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claim 16 Lee et al. disclosed

wherein said synchronously switched repetitive signal occurs prior to said repetitive synchronization input pulse relative to said preamble portion of said input signal.
(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Re claim 19 Lee et al. disclosed wherein said control circuit comprises a track and hold circuit operable in response to a switchable track enable signal to track said average value of said first voltage during said preamble portion of said input signal and otherwise to hold said average value of said first voltage converted during said preamble portion of said burst-mode signal and to couple said held average value to said decision threshold voltage level at said control port.

(e.g., col./line: 3/40-60, 4/20-35, 4/45-55, 5/15-25, 35-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2633

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa US 6,191,879 B1 (Yanagisawa) in view of Chang et al. US 6580537 B1 (Chang).

Although the aforementioned invention of Yanagisawa does not further disclose a routing apparatus.

Chang disclosed a router w/ burst mode receivers (e.g., col./line: 20/55-60). It would have been obvious to one of ordinary skill in the art at the time of invention to use the Yanagisawa burst mode receivers in the Chang router since routers are statistical multiplexing devices which often aggregate many traffic distributions which do not exhibit regular traffic distributions and must therefore accommodate burst of traffic.

Allowable Subject Matter

5. Claims 3-9, 20-22, and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. US 6,362,911 B1 disclosed an optical burst most receiver with limiting amplifier.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp



David G. Payne
Patent Examiner
AU 2633